

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
EILEEN CONNOLLY, PAULETTE HONICK, : **ECF CASE**
DARLENE LELLE, and LORRAINE SERRAINO, :
:
Plaintiffs, : 07-CV-3282 (JS) (WDW)
:
-against- : **DECLARATION**
:
THE TJX COMPANIES, INC., RICK KAISER, and : **OF DOV KESSELMAN**
ARMANDO CABRERA, :
:
Defendants. :
:
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STATE OF NEW YORK)
) s.s:
COUNTY OF NEW YORK)

DOV KESSELMAN, an attorney duly admitted to practice law in the State of New York, under penalty of perjury, hereby declares:

1. I am a member of the Bar of this Court and a member of the law firm Seyfarth Shaw LLP, attorneys for Defendants The TJX Companies, Inc., Rick Kaiser and Armando Cabrera (collectively, "TJX") in the above-captioned case. I submit this Declaration in support of TJX's Motion for Summary Judgment. I know the facts testified to in this Declaration to be true based on my own personal knowledge and a review of the documents.

2. Annexed hereto as Exhibit A is a true and correct copy of the Amended Complaint filed by Plaintiffs Eileen Connolly, Paulette Honick, Darlene Lelle and Lorraine Serraino on June 29, 2010.

3. Annexed hereto as Exhibit B is a true and correct copy of TJX's Answer and Affirmative and Other Defenses to the Amended Complaint filed on July 15, 2010.

4. Annexed hereto as Exhibit C are true and correct copies of the relevant transcript pages from the deposition of Plaintiff Eileen Connolly, taken on June 9, 2009.

5. Annexed hereto as Exhibit D are true and correct copies of the relevant transcript pages from the deposition of Plaintiff Paulette Honick, taken on May 29, 2009.

6. Annexed hereto as Exhibit E are true and correct copies of the relevant transcript pages from the deposition of Plaintiff Lorraine Serraino, taken on June 3, 2009.

7. Annexed hereto as Exhibit F are true and correct copies of the relevant transcript pages from the deposition of Plaintiff Darlene Lelle, taken on June 5, 2009 and June 15, 2009.

8. Annexed hereto as Exhibit G are true and correct copies of the relevant transcript pages from the deposition of Defendant Rick Kaiser, taken on June 30, 2009.

9. Annexed hereto as Exhibit H are true and correct copies of the relevant transcript pages from the deposition of Defendant Armando Cabrera, taken on July 2, 2009.

10. Annexed hereto as Exhibit I is a true and correct copy of TJX's Code of Conduct (bearing Bates Nos. TJX 00077-00104), which was introduced as an exhibit during the depositions of each of the Plaintiffs.

11. Annexed hereto as Exhibit J are true and correct copies of Associate Acknowledgement of Receipt of TJX's Code of Conduct executed by each Plaintiff (bearing Bates Nos. TJX 00105-00108), which were introduced as exhibits during the depositions of each Plaintiff, respectively.

12. Annexed hereto as Exhibit K is a true and correct copy of an undated letter from Plaintiff Lelle to Defendant Cabrera (bearing Bates No. TJX 00109), which was introduced as an exhibit during the deposition of Plaintiff Lelle.

13. Annexed hereto as Exhibit L is a true and correct copy of a one page document consisting of notes authored by Defendant Cabrera (bearing Bates No. TJX 00110), which was introduced as an exhibit during the deposition of Defendant Cabrera.

14. Annexed hereto as Exhibit M is a true and correct copy of a document entitled “Exempt Corrective Action Form” dated January 29, 2005, issuing a “Final Warning” to Defendant Kaiser (bearing Bates No. TJX 00120), which was introduced as an exhibit during the deposition of Defendant Kaiser.

15. Annexed hereto as Exhibit N is a true and correct copy of a handwritten note authored by Defendant Kaiser dated January 28, 2005 (bearing Bates Nos. TJX 00116-00119), which was introduced as an exhibit during the deposition of Defendant Kaiser.

16. Annexed hereto as Exhibit O is true and correct copy of T.J. Maxx’s Layaway Procedures (bearing Bates Nos. TJX 00122-00155), which was introduced as an exhibit during the depositions of each of the Plaintiffs.

17. Annexed hereto as Exhibit P is a true and correct copy of a handwritten note authored by Plaintiff Connolly (bearing Bates No. TJX 00215), which was introduced as an exhibit during the deposition of Plaintiff Connolly.

18. Annexed hereto as Exhibit Q is a true and correct copy of a handwritten note authored by Plaintiff Honick (bearing Bates No. TJX 00169), which was introduced as an exhibit during the deposition of Plaintiff Honick.

19. Annexed hereto as Exhibit R is a true and correct copy of a handwritten note authored by Plaintiff Lelle (bearing Bates No. TJX 00248), which was introduced as an exhibit during the deposition of Plaintiff Lelle.

20. Annexed hereto as Exhibit S is a true and correct copy of a handwritten note authored by Plaintiff Serraino (bearing Bates No. TJX 00285), which was introduced as an exhibit during the deposition of Plaintiff Serraino.

21. Annexed hereto as Exhibit T is a true and correct copy of a Promissory Note executed by Plaintiff Honick (bearing Bates No. TJX 00196), which was introduced as exhibit during the deposition of Plaintiff Honick.

22. Annexed hereto as Exhibit U is a true and correct copy of a Promissory Note executed by Plaintiff Connolly (bearing Bates No. TJX 00213), which was introduced as an exhibit during the deposition of Plaintiff Connolly.

23. Annexed hereto as Exhibit V is a true and correct copy of a Promissory Note executed by Plaintiff Serraino (bearing Bates No. TJX 00286), which was introduced as an exhibit during the deposition of Plaintiff Serraino.

24. Annexed hereto as Exhibit W are true and correct copies of Hourly Associate Orientation Checklists signed by each of the Plaintiffs (bearing Bates Nos. TJX 00177-00178, 00179-00180, 00201-00202, and 00222-00223), which were introduced as exhibits during the depositions of each Plaintiff, respectively.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing is true and correct.

September 7, 2010

SEYFARTH SHAW LLP

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